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CLERK OF COURT  
U.S. DISTRICT COURT, E.D.N.Y.  
★ DEC 5 2008 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE: HOLOCAUST VICTIM ASSETS  
LITIGATION  
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This Document Relates to: All Cases  
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Case No. CV 96-4849 (ERK)(MDG)  
(Consolidated with CV 96-5161  
and CV 97-461)

**MEMORANDUM & ORDER**

CLERK'S OFFICE

**MEMORANDUM & ORDER APPROVING SET 182: 30 AWARDS CERTIFIED BY THE  
CLAIMS RESOLUTION TRIBUNAL PURSUANT TO ARTICLE 31(2) OF THE RULES  
GOVERNING THE CLAIMS RESOLUTION PROCESS AND AUTHORIZING  
PAYMENT FROM THE SETTLEMENT FUND**

KORMAN, J.:

As provided under the Settlement Agreement, and in accordance with the procedures established in the December 8, 2000 Memorandum & Order and in the Distribution Plan, the Claims Resolution Tribunal (the "CRT") is hereby requesting the Court's approval, pursuant to Article 31(2) of the Rules, of 30 certified Awards listed in Annex A, and the resources to pay these Awards through funds to be deposited in the Swiss Banks Settlement-Dormant Accounts-Payment Account from the Settlement Fund. The total amount of these 30 Awards is US \$7,227,777.01 (SF 8,601,054.64 converted at a rate of 1.19 Swiss Francs per U.S. Dollar).

The index for this set includes one award for an account belonging to an account owner whose name has been redacted. The account owner in this case was persecuted by the Nazis because he was homosexual and was imprisoned in a concentration camp for this reason. The redaction was made at the specific request of the claimant, who did not want the account owner's homosexuality to be made public. This request reflects the unfortunate fact that persons identified as homosexuals still face discrimination and rejection in many parts of the world today, and that some families of homosexuals, out of fear of the stigma attached to their relatives' sexual orientation, hesitate to reveal the persecution those relatives suffered. We ask that this award be filed under seal in order to honor this claimant's request.

With this one hundred and eighty-second set, a total of US \$534,002,322.84 will have been awarded thus far. This total amount is comprised of Awards issued under CRT I and CRT II combined, and Plausible Undocumented Awards (PUAs). Under CRT I alone, which took place from 1997 through 2000, 207 accounts, with a value of US \$18,184,492.00, were awarded as accounts that had belonged to Victims of Nazi Persecution. Under CRT II alone, 2,780 Awards for 4,438 accounts totaling US \$454,953,093.55<sup>1</sup> will have been made to date to Victims or Targets of Nazi Persecution making up the Deposited Assets Class, with the average Award amounting to US \$ 145,226.22.<sup>2</sup> The total number of PUAs issued to date is 12,396 less 234 full and partial deductions. The total amount is \$60,864,737.29.

Eleven Awards in the one hundred and eighty-second set are based on claims that were received past the claim filing deadline. The Court in its discretion has decided to accept certain claims received past the claim filing deadline, namely those where a set of exceptional circumstances is demonstrated. Such a set would include, but not be limited to, the following: (1) the claimant has proven with certainty that the account owner is his/her relative or that he/she is otherwise entitled to the account; (2) the account has not previously been awarded to another claimant; (3) the claimant is disabled or of advanced age; and (4) there are no other timely claims to the account filed by those with an equal or closer degree of relationship to the account owner. These Awards are *In re Benjamin* (Tab 3), *In re Bonnem* (Tab 5), *In re Cheim* (Tab 6), *In re Flatow* (Tab 8), *In re Lindheimer* (Tab 17), *In re Löwner* (Tab 18), *In re Löwy* (Tab 19), *In re Obstfeld* (Tab 23), *In re Oplatka* (Tab 24), *In re Perutz* (Tab 25) and *In re Schreier et al.* (Tab 28). In these cases all the circumstances listed in (1) through (4) obtain.

This submission includes three Awards to three Primary Claimants who previously received a Plausible Undocumented Award ("PUA"), as detailed in Annex C to this Order. Each recipient was made aware at the time the PUA was awarded that, in the event the CRT located a

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<sup>1</sup> This amount includes the payments of decisions on appeal issued by Special Masters Michael Bradfield and Helen Junz totaling US \$4,655,653.71.

<sup>2</sup> In calculating the average value of CRT-II awards, the Set 75 award and the two Set 110 awards were excluded because their size made them outliers that would have skewed the result. The calculation further excludes appeal awards in the amount of US \$4,500,173.97 in which the earlier award was not rescinded. On the other hand, the calculation includes appeal awards issued upon reversal of a denial as recommended by Special Masters Michael Bradfield and Helen Junz and issued by the CRT.

Swiss Bank account or accounts to which he/she was entitled, the PUA amount of US \$5,000.00 already received would be deducted from any future award(s) that may be made in connection with such account(s). Therefore, the amount requested for transfer to the Swiss Banks Settlement-Dormant Accounts - Payment Account equals the award amount of US \$7,227,777.01 for the 30 Awards referred to above less US \$15,000.00 for previous PUA payments, for a total of US \$7,212,777.01.

As set forth in the Awards and as required by Article 31(3) of the Rules, the Certified Awards shall be paid in full by the Special Masters after approval of such Awards by the Court.

Therefore, it is hereby

ORDERED that the attached 30 Awards are hereby approved for payment pursuant to Article 31(2) of the Rules;

ORDERED that for the payment of these 30 Awards certified by the CRT and approved by the Court, less three payments previously made in the form of PUAs, the Signatories of the Settlement Fund are hereby ordered to transfer immediately US \$7,212,777.01 from the Settlement Fund to the Swiss Banks Settlement-Dormant Accounts-Payment Account;

It is further ordered that the Special Masters shall provide the Court with the name and address of every class member receiving an Award, which information shall be filed with the Court under seal.

I will issue additional orders approving Awards certified by the CRT and transferring further sums from the Settlement Fund as the CRT certifies them to this Court.

Brooklyn, New York  
Dated: November 20, 2008

SO ORDERED:

s/Edward R. Korman

Edward R. Korman  
United States District Judge

# CLAIMS RESOLUTION TRIBUNAL

[BATCH CLXXXII] - ANNEX A

Pursuant to Article 16 of the Rules Governing the Claims Resolution Tribunal, as amended, (the "Rules"), the Claims Resolution Tribunal hereby certifies as of 26 November 2008 the following Awards for approval by the Court and payment by the Special Masters:

Account Owner Last Name and Claim Number		Award Amount (SFr.)
1.	[REDACTED] 213214/LH	189,250.00
2.	Appel 000789/MBC; 208199/MBC; 223705/MBC; 709188/MBC; 709189/MBC; 731521/MBC	906,681.00
3.	Benjamin 402252/RS	49,375.00
4.	Bondy 501474/RS; 601472/RS; 401627/RS	26,750.00
5.	Bonnem 501787/HB	265,375.00
6.	Cheim 501819/WT	26,750.00
7.	Eidinger <i>et al</i> 000338/HB; 721111/HB	98,750.00
8.	Flatow 501796/NB	211,875.00
9.	Hallheimer 500780/MBC	26,750.00
10.	Hantsch 222478/WT; 400635/WT	162,500.00
11.	Herrmann 210926/MBC; 210927/MBC; 210928/MBC	211,875.00
12.	Herz 222552/MBC	189,250.00
13.	Itzkin 210032/MBC	26,750.00
14.	Kahn 500786/MBC; 500787/MBC; 500788/MBC; 500789/MBC	1,074,538.26
15.	Kamieniecki <i>et al</i> 211031/MBC; 703483/MBC	162,500.00
16.	Klayman 754439/LH	26,750.00
17.	Lindheimer 501820/NB	335,375.00
18.	Löwner 501786/NB	162,500.00
19.	Löwy 501789/JG	211,875.00
20.	Mandelbaum 001681/HB; 712262/HB*	26,750.00
21.	Messinger 201330/MBC; 201331/MBC	26,750.00
22.	Muller 205169/MBC; 705540/MBC; 710693/MBC*	49,375.00
23.	Obstfeld 501807/WT	162,500.00
24.	Oplatka 401885/NB; 501800/NB	26,750.00
25.	Perutz 501777/RS	325,000.00
26.	Roos 770381/HB	182,226.00
27.	Sachs <i>et al</i> 220724/GO; 787445/GO	2,300,734.38
28.	Schreier <i>et al</i> 501795/NB	189,250.00
29.	Tietz <i>et al</i> 209429/RS**	757,000.00
30.	Wasserman 215059/JG; 219349/JG; 219359/JG; 219369/JG; 219379/JG; 219389/JG; 219930/JG; 219940/JG; 219950/JG; 219960/JG; 220119/JG; 220129/JG; 220139/JG; 220149/JG; 220159/JG; 220169/JG; 220189/JG; 220199/JG; 220209/JG; 220219/JG; 501421/JG; 501460/JG; 501479/JG; 201505/JG; 501515/JG	189,250.00
<b>TOTAL</b>		<b>8,601,054.64</b>
<b>Total amount in US Dollars<sup>3</sup></b>		<b>\$7,227,777.01</b>

\* MPM Award

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<sup>3</sup> Exchange rate as of 26 November 2008 of 1.19 Swiss Francs per U.S. Dollar.

## CLAIMS RESOLUTION TRIBUNAL

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***[BATCH CLXXXIII] - ANNEX B***

Deduction for Plausible Undocumented Awards previously issued by the Claims Resolution Tribunal:

<b>Account Owner Last Name and Claim Number</b>	<b>Claimant Name</b>	<b>Amount to be deducted (in US \$)</b>
Appel 000789/MBC; 208199/MBC; 223705/MBC; 709188/MBC; 709189/MBC; 731521/MBC	Blima Eva Goldstein	\$5,000.00
Herrmann 210926/MBC; 210927/MBC; 210928/MBC	Elizabeth Blot	\$5,000.00
Kamieniecki <i>et al</i> 211031/MBC; 703483/MBC	Jozef Menes	\$5,000.00
<b>Total PUA Deduction Amount in US Dollars</b>		<b>\$15,000.00</b>
<b>Total Set Amount Awarded in US Dollars</b>		<b>\$7,227,777.01</b>
<b>Total Net Set Amount (after deduction) in US Dollars</b>		<b>\$7,212,777.01</b>